

STAT

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Next 15 Page(s) In Document Exempt

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Article appeared
on page 11

LOS ANGELES TIMES
4 December 1978

**Amherst Faculty Urges
Disclosure of CIA Links**

AMHERST, Mass. (AP)—The faculty of Amherst College called on the school administration and professors to disclose any connections with the CIA and other government agencies. The faculty urged the administration Saturday to "accept and administer only grants or contracts the sponsorship of which is openly disclosed."

STAT

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

TULSA WORLD
30 November 1978

Free Service For KGB

SOME members of the Washington intelligence community say the Soviet KGB may be using the Freedom of Information Act to obtain valuable material from the Central Intelligence Agency.

The FOI Act was passed in 1967 and liberalized in 1975 to make it much easier for just about anyone to obtain information from Government agencies.

The Act has made a major contribution to the ideals of open Government and the people's right to know. But the fact that it may also be making a generous contribution to the Soviet espionage agency suggests a need for some sensible changes.

National defense and foreign policy secrets are excluded from the open records requirement of the FOI law. But one intelligence source complained recently that the expanding volume of requests for information from CIA files has reached the point that

"mistakes are unavoidable under the act and sometimes secret stuff gets cleared."

A partial solution, not satisfactory to the CIA, has been proposed. It would limit requests under the FOI Act to citizens or resident aliens.

This might put KGB agents to a little extra trouble, but would not take away their hunting license. They could still browse through interesting CIA files, but would have to find resident aliens or citizens to make the official requests.

It wouldn't be too difficult since other recently-passed laws severely restrict U.S. security agencies in such things as surveillance of suspected spies.

Our best hope for preventing or discouraging Soviet intelligence activities is the possibility that KGB operatives will die laughing at our self-defeating intelligence and security policies.

3

8. I would like some brief words and statistics about the North Korean economy.

a. Is there some risk the economy can be in such bad shape that they would have to go to war or stop bearing this size of military burden at some point in the future?

b. What evidence do we have that the growth is going on right now?

Spanish books

Spyworks

For 20 years Luis González-Mata was a member of one of General Franco's secret services. He was given assignments in Latin America, North Africa and western Europe, and claims to have collaborated closely with the CIA and, briefly, the KGB. He resigned in 1972, lived for two or three years as a freelance secret agent (it is a profession in which there is little unemployment), then settled in France to write about his experiences. His first book, *Cisne*, initially published in Paris by Bernard Grasset, was an instant best-seller when it appeared in Spain (Argos, Aragón 390, Barcelona; 395 pesetas) where few writers have as yet dared to take the lid off the dictator's special services. The title, "Swan", was the author's code name during an operation in North Africa.

Mr González does not present himself as a hero. He began living on his wits at the age of 10 when his father, a Republican, was imprisoned and his mother died. After a few years of misery he resolved "to sell my services to the strongest" and joined the Falange. Recruited by military intelligence, he was required, as a test, to betray an officer who had befriended him: he passed the test. He became a friend of General Ufki in Morocco, reorganised the security service of the Dominican Republic for General Trujillo, and helped President Ben Bella keep an eye on corrupt Algerian officials ("I am surrounded by thieves," Ben Bella used to say).

Mr González's friendship with Ben Bella led to his being tortured by Colonel Boumedienne's faction; and after Ben Bella's disappearance from public life Mr González saw him in the great prison at Bouzaréa. It was in his Bouzaréa cell, where he was held *incomunicado* without trial for 16 months, that he began asking himself questions about politics. He had no illusions about his own Francoist bosses. But Algeria was considered democratic and progressive by many European left-wingers. Yet it was more of a military-police state than Spain, and its prisons were harsher, and its military interrogators more sadistic, than any he had encountered elsewhere.

He had more food for thought when he became the go-between through whom the Spanish secret service and the KGB exchanged material. Madrid supplied the KGB with information on American bases in Spain, Moscow gave Franco files on 350 Communists, all living in Spain, who had joined "Marxist-Leninist" splinter-groups.

"This collaboration between Francoism and communism," Mr González

writes, "scandalised me"; but it ought not to have done. Polish coal had helped Franco break a miners' strike in Asturias; Russia supplied Franco with enriched uranium when the United States withheld it; Mr González himself had used right-wing funds and left-wing militants in schemes intended to discredit Spanish Republican refugees or provoke political changes in central America. Mr González tells some good stories and one does not need to believe every sentence in his highly readable book to get a fair idea of the workings of the misleadingly named "Military intelligence service" (SIM) and the mentality of the men who ran it in Franco's lifetime.

Mr González's second book, *Terrorismo internacional* (Argos; 445 pesetas), is a collection of articles on well-known terrorist groups and a few more discreet organisations that engage in political mischief-making. It is a less successful book than "Cisne" because it is based only partly on the author's personal experience and investigation: much appears to have been compiled from press reports and police gossip.

Mr González shares the opinion of many journalists and diplomats in Spain that Francoist officers of the Spanish security services have at times manipulated far-left groups such as FRAP, GRAPO and ETA, and he points to clues and contradictions in statements by the police and the terrorist organisations; but, having worked mainly in Franco's external service, he is unable to produce conclusive evidence. He has a few interesting things to say about collaboration between right-wing groups in Spain and Italy, about links between fascist groups and the Palestinian activists, and about Colonel Qaddafi's generosity to both fascists and extreme leftists. He devotes several pages to the "red fascists"—the far-out leftists like the Baader-Meinhof gang and GRAPO who admit that their aim is to provoke an upsurge of militarism or fascism that will discredit "bourgeois reformism" and, by the rules of nuthouse dialectics, lead to a popular uprising.

The chapter of "Terrorismo internacional" that has attracted most attention is the one devoted to the assassination of Admiral Carrero Blanco, General Franco's first prime minister, in December, 1973, by the Basque separatist group ETA. Mr González agrees that a Basque unit prepared and set off the explosion that killed Carrero Blanco, but challenges the detailed, yet undoubtedly shaky, technical data given by ETA in the book *Operación Ogro* (originally published in Hendaye, but now available

in Spain from Hordago Publikapenak, Plaza de Guipúzcoa 11, San Sebastián; 350 pesetas). The ETA men's carelessness—commented on by the correspondent of *The Economist* after the operation—was such that, according to Mr González, they attracted the attention of a CIA officer in the nearby American embassy. Unlike most Spanish stories about the CIA, Mr González's account shows the agency in what the left may call a favourable light. Having consulted Washington, the CIA's Madrid station not only did not denounce or interfere with the plotters, it helped them discreetly (Mr González says), thus contributing to the collapse of the authoritarian state machine controlled by Carrero Blanco and favouring the emergence of democracy in Spain.

So should Spanish democrats spray "Viva la CIA" on the walls of Madrid? Mr González is not really sure. This reviewer can enlighten him on one point. Mr González believes that the secret report of the directorate-general of security on Carrero Blanco's assassination which is quoted in "Operación Ogro" is a phoney. He is wrong; it is quite genuine. And it was communicated to ETA not by friendly Portuguese "revolutionaries" (as ETA pretends, for an obvious reason) but by a rather bourgeois German.

The Catalan "espionage" Domingo Pastor Petit has written a 200,000-word account of espionage and fifth-column activity in Spain during the 1936-39 civil war: *Los Dossiers secretos de la Guerra Civil* (Argos; 735 pesetas). He has consulted military, administrative, legal and ecclesiastical archives, and interviewed scores of people, and the result is a chronologically ordered array of facts, incidents and reports from both sides of the hill. Some important archives are, however, still inaccessible, and the author says that he has been unable to verify all his material.

General Franco and his friends took over the Spanish army's small intelligence service and received technical and financial aid and advice from Italy's Ova and the German Abwehr and Gestapo. The corresponding Republican service was amateurish: its first agents received only a few days' training and rarely survived more than four months in insurgent territory. Republican intelligence received a little British help, according to Mr Pastor Petit; but the only foreign secret service willing to give it substantial assistance was the Soviet NKVD. With an ally like that, the Republicans didn't need an enemy. By August, 1937, their police and secret services were so thoroughly infiltrated by communists, and so unreliable, that the Socialist defence minister set up an entirely new intelligence organisation. At one time its director was a 22-year-old baker.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Next 33 Page(s) In Document Exempt

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

A SELECTION OF THE BEST BOOKS OF 1978

The following list has been selected from titles reviewed since the Christmas Issue of December 1977. Such a list can only suggest the high points in the main fields of reader interest. Books are arranged alphabetically under subject headings. Quoted comments are from the Book Review.

C.I.A.

THE ARMIES OF IGNORANCE. The Rise of the American Intelligence Empire. By William Corson. (Dial Press. \$12.95.) The writing is flabby, but this is a substantive loyalist's view of the issues involved in the intelligence debate.

DECENT INTERVAL. An Insider's Account of Saigon's Indecent End. Told by the C.I.A.'s Chief of Strategy Analyst in Vietnam. By Frank Snepp. (Random House. \$14.95.) The controversial memoir that "provides ample evidence that the United States was deeply and pervasively involved in pursuing the war well after the last combat troops were withdrawn."

HIDDEN TERRORS. By A.J. Langguth. (Pantheon. \$10.) A careful examination of the death of Daniel Mitrone in Uruguay, and U.S. involvement in Latin American, especially Brazilian politics in the 1960's.

HONORABLE MEN. My Life in the C.I.A. By William Colby. (Simon and Schuster. \$12.95.) The former director of the C.I.A.'s dry memoir is more interesting for what it does not say about the debate over counterintelligence.

IN SEARCH OF ENEMIES. A C.I.A. Story. By John Stockwell. (Norton. \$12.95.) "Primarily a vivid, abundantly documented and well-observed account of the small war the C.I.A. fueled in Angola throughout 1975 and into 1976."

LEGEND. The Secret World of Lee Harvey Oswald. By Edward Jay Epstein. (Reader's Digest/McGraw-Hill. \$12.95.) A complex argument about Yuri Nosenko, K.G.B. officer, his defection to the U.S., his personal role in the intelligence struggles between the C.I.A. and other agencies and within the C.I.A.

and also his relationship to Lee Harvey

SILENT MISSIONS. By Vernon A. Walters. (Doubleday. \$12.95.) General Walters's voluminous and utterly candid memoirs of a career that included a spell as deputy director of the C.I.A. contain a number of character studies of men in power.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Announcing

The William O. Douglas Inquiry into the State of Individual Freedom

A national convocation to consider the conditions which affect the quality of liberty in the United States and the relationship between citizens and their government.

December 7-8, 1978

Shoreham Americana Hotel, Washington, D.C.

Convened by The Center for the Study of Democratic Institutions
in honor of the distinguished jurist, William O. Douglas

Thursday, December 7

General Session I, 9:30 a.m.-11:45 a.m.

"Freedom—For Whom?

For What?"

Participants include Abe Fortas, Ramsey Clark, Barbara Jordan, Cathleen Douglas, and others.

General Session II, 1:00 p.m.-3:00 p.m.

**"Freedom and the Federal
Criminal Code"**

Participants include Senator Edward M. Kennedy, Vern Countryman, John H.E. Shattuck, and others.

General Session III, 3:15 p.m.-5:15 p.m.

**"Freedom and the
Intelligence Function"**

Participants include Stansfield Turner, William E. Colby, Morton Halperin, Thomas Emerson, Richard D. Hongisto, and others.

General sessions: \$7.50 per ticket, or you may attend all five general sessions at the reduced rate of \$30.00. Luncheon session: \$10.00 per ticket.

For further information, call 202/393-5579.

The William O. Douglas Inquiry Convocation • 1625 K St., N.W. • Washington, D.C. 20006

Friday, December 8

General Session IV, 9:30 a.m.-12:15 p.m.

**"Freedom and the
New Property"**

Participants include Eugene McCarthy, Maurice Abreavental, Robert Sinsheimer, and others.

Luncheon Session V, 12:30 p.m.

**"Freedom and the
Threatened Environment"**

Frances Farenthold, presiding.
Address by Kenneth E. Boulding.

General Session VI, 2:00 p.m.-4:30 p.m.

**"Freedom, the Courts,
and the Media"**

Participants include Robert H. Bork, Floyd Abrams, Abe Fortas, Anthony Lewis, Sander Vanocur, and others.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Iranians protest Logan speech of ex-CIA head

By Roury Williams
Staff writer

Iranian students protested noisily before and after a speech made by former CIA Director William Colby Thursday at Utah State University, then dominated a one-hour question-and-answer forum.

Colby spoke in the Fine Arts Center as part of the university's convocation lecture series and later answered questions in the University Center.

Prior to his lecture, about 60 Iranian students marched outside the Fine Arts Center, shouted in unison, and carried signs that read "CIA Go Home," "Carter's Human Rights Hypocrisy" and "Down With the Shah."

Colby's speech, before a crowded auditorium, was calculated to increase the credibility of the CIA by showing that it is no longer as secretive as in former times and that it has a charter requiring that its actions be law-abiding.

At the conclusion of his address, several Iranian students stood on chairs and led other Iranians in shouting rhythmic slogans like "Yankee Go Home" and "U.S. Advisers and CIA out of Iran."

As the Iranians loudly voiced their protest and clapped their hands in unison, a non-Iranian student shouted "Sit down and shut up" which was followed by an outburst of applause. *Typical reactionary...*

Immediately after the lecture, an unflustered Colby fielded questions in a packed Sunburst Lounge.

The bespectacled former CIA director, dressed in a pin-stripe gray suit, was asked why the CIA arranged the overthrow of Mossadeh, former leader of Iran, in favor of the Shah, Iran's current leader.

CIA helped Shah

He said the CIA did assist in the 1953 overthrow of Mossadeh and did help the Shah regain power.

Colby defended United States support of the Shah, and said the current leader's rule is better for America, the world and Iran than alternatives such as the governments of Pakistan and Iraq.

"The governments of Pakistan and Iraq cannot match Iran's progress and development," Colby said.

When the former director said Iran's literacy rate and life expectancy had increased under the Shah's modernization program, and that the Shah had brought a middle class economy to Iran, the Iranian students booed and cried out with a maze of questions.

They were further incensed when Colby said he supported and has great respect for some Moslem leaders, such as the president of Saudi Arabia and Sadat of Egypt.

Shouts of "He is lying" and "He's a traitor" were interrupted by a university official who threatened to throw out one of the Iranian students.

University officials, students and Colby urged the protestors to stop lecturing the crowd and to instead ask questions and allow others the same opportunity, which they did.

Colby said the Shah's opposition was coming from a leftist group that wanted the Shah to spread socialism, and from a rightist group that wanted to keep religious traditions such as having women wear

veils.

In response, a young Iranian woman asked emotionally, "Who can believe the people of Iran are risking torture and death just to fight modernization?"

The demonstrating Iranians claim the Shah, with military arms supplied by the United States, is tyrannically killing hundreds of innocent citizens in Iran.

CIA created SAVAK

Colby said the CIA created SAVAK, the Iranian police force, and taught it proper methods of intelligence. "But the CIA never condoned any violations of human rights by SAVAK. I don't know what SAVAK is doing now."

The United States supported the Shah instead of Mossadeh because, "We didn't want a hostile government in Iran," he said. It was a matter of whether Mossadeh would keep Iran developing and friendly or whether he would bring Soviet power back into the Persian Gulf.

Colby maintained that the internal conflict in Iran is a political, not a religious, question.

"We're entitled to support a political movement in a country," he said.

A Venezuelan student asked why the CIA supports governments against the will of the people being governed.

Colby responded, "The CIA doesn't make such decisions. It is a matter of foreign policy determined by the president and Congress."

"The CIA helped keep Italy democratic," Colby said. "That's a better alternative than communism."

He said it was difficult to determine the will of the people in Iran without elections which are now impossible because of riot conditions.

The statement brought jeers and scorn from the large bloc of Iranian students.

At the conclusion of the forum, Iranians roared their slogans while many non-Iranians gathered around Colby to ask questions.

In other comments, Colby said the cloak-and-dagger image of the spy of 30 years ago is no longer true.

Now, he said, the CIA has scholars in areas such as agriculture, economics, social science and foreign affairs. The spy part of the CIA is small, although the organization does still depend on brave foreigners and brave Americans to get foreign government secrets that are essential to the security of this country.

Colby was the CIA's director from 1973 to 1976 during a time of unprecedented public investigation into the agency's secret operations.

He said the CIA no longer operates without the approval of the president and Congress.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

CIA and Iran:

Intelligence Test

TO THE secretary of state, the assistant for national security and the director of central intelligence, the President of the United States has passed the word: The quality of political intelligence we get from abroad is unsatisfactory.

The President, in his handwritten memorandum, released late last week to the media, was speaking generally. But most of all he was "dissatisfied," to use his own word, with recent reports on Iran. He had been told everything was fine in Iran; the shah, an invaluable U.S. ally, was in no danger. Then the riots and strikes erupted. The Peacock Throne began to totter.

Why didn't someone tell me? Such was Carter's acrid complaint.

Why indeed didn't someone tell him? There may well be more than one reason, but the paramount reason is that in the past few years, the eyes of our intelligence agents have been dimmed, their ears stopped up, their tongues made fuzzy.

Intelligence? Who needs intelligence? Who needs spies, with their penchant for secrecy, their disregard for the constitutional niceties?

The questions may sound absurd enough; and yet, in one form or another, they have flitted through the minds of countless Americans over the past few years. The Great CIA Flap of 1975-76, initiated by the media, pursued by the politicians, served to persuade many that the CIA (like the FBI) was as much threat to American Liberties as guardian thereof.

We were told of clandestine operations, of mail openings, of

manipulation of journalists and businessmen — enterprises that, ripped from context, made the CIA sound like some sinister capitalistic counterpart of the Soviet KGB.

Amid these thunderings, the morale of the CIA plummeted like a failed parachute. The men out in the field had scarcely to be convinced the American people had lost confidence in them. They had only to read the papers.

What kind of work can be expected of a demoralized intelligence agency? Just about the kind that has stirred the President to anger and will surely provoke him again unless something is done to persuade the CIA that we, the people, still believe in its mission.

That is no easy achievement to arrange. The President's own CIA director, Adm. Turner, is likely as responsible as anyone for the agency's condition, having heavily-handedly tried to clean house when he took over. Would anything be wrong with letting a professional spy, for a welcome change, command our other spies?

It is no frivolous point. After all, whom did the White House turn to for accurate reports on Iran after the CIA had flunked the intelligence test? To none other than the much-abused Richard Helms, a former CIA chief who was ambassador to Iran until recently. Spies, one readily learns, have their uses, however much they are out of favor when TV cameras roll and congressmen clear their throats to speak.

CIA

Not intelligent enough

"I am not satisfied with the quality of political intelligence", wrote President Carter last month in a terse note to the three men responsible for it: Messrs Vance, Brzezinski and, most tellingly of all, Admiral Stansfield Turner, director of the Central Intelligence Agency. The president's anger is understandable. This summer the agency had blithely reported on the possibility of unrest in Iran:

Iran is not in a revolutionary or even pre-revolutionary situation. Those who are in opposition do not have the capability to be more than troublesome.

That the CIA, like any pundit, should be wrong at predicting the future is neither new nor inexcusable. What is new is that the president's disquiet became public. Mr Carter's pique was, in a lesser way, like President Kennedy's criticism of the CIA for leading him into the Bay of Pigs invasion; what is inexcusable, in the opinion of many in the administration, including Mr Brzezinski, is that the agency should subsequently have been so complacent.

At the heart of the criticism is Admiral Turner. He has increasingly been the subject of attacks, often based on inspired leaks, from conservatives and liberals alike. Many of the CIA's old guard, including Mr Richard Helms, once its director and the erstwhile ambassador in Iran, believe that the agency has failed to withstand the onslaught of bad publicity over the past few years. They accuse Admiral Turner of giving into the criticism by dismantling much of the agency's operational structure, sacking its most experienced agents, and handing over its traditional work to the military intelligence services. On him they pin the full burden of the undoubtedly low morale at the agency's Langley headquarters. For the liberals, Admiral Turner has failed to impress a new morality on the agency; he is criticised for surrounding himself with men from the armed forces and for refusing to give up his rank as an admiral although he is now in a civilian job. For good measure both sides snipe at Admiral Turner for enjoying a special protection as an old Annapolis classmate of Mr Carter's: thus the president's critical note is an added blow.

These attacks, for the most part self-serving to a particular interest, have drawn debate away from the main point, the quality of the CIA's intelligence. The agency is often criticised for badly inter-

preting the mass of information that it or the National Security Agency (the collector of electronic intelligence at Fort Meade, in Maryland) often brilliantly gets; indeed any interpretation of events is usually swamped in a mass of irrelevant material. A second, more serious, failure is that in many countries, particularly in dictatorships friendly to the west, the agency listens only to those in power. It feels almost disloyal making contacts with the illegal opposition. Thus in Iran there is strong evidence that the CIA was relying almost entirely on Savak, the Iranian secret police, adopting its information and prejudices wholesale, without knowing what weight to attach to opposition views. Having helped put the Shah into power 25 years ago in its most justifiably famous political and undercover operation, the CIA had extra grounds for not courting those who want to put him out.

Much the same problem occurred in Nicaragua. As violence broke out against President Somoza, the CIA found that it had no lines at all through to the revolutionary leaders, many of whom would, in fact, have welcomed an American contact. Thus the administration found itself caught out by events and only able to interpret them through the eyes of those whose power was being threatened. Lastly, the CIA is criticised for tailoring its intelligence reports to what it thinks the White House would like to hear.

After the senate committee under Mr Frank Church revealed the dirty tricks in the CIA's past, Vice-president Walter Mondale suggested that the agency should aim instead at providing political intelligence. Now President Carter has added his own voice. The room for improvement is evident. What is in doubt is whether the morale still exists within the agency to provide it.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

CULT KILLINGS YIELD CRITICISMS ABROAD

Many Commenting in World Press
Say Deaths in Guyana Reflect
American Social Failures

By ROY REED

Special to The New York Times

EXCERPT:

Journalism Role Questioned

An Egyptian columnist, Mustapha Amin, writing in Al Akhbar, wondered why Mr. Jones had not been stopped much earlier by the police or the Central Intelligence Agency. And, he demanded, "Where was American journalism?"

One Nairobi newspaper called the events in Guyana a "sad commentary on American society," but most press reaction there was muted. So was the coverage. At one paper, a debate erupted between African and white sub-editors, with the whites arguing for greater play of the story and the Africans saying it had no great significance.

Comment in China was limited. In an article describing the suicides, the Hsinhua press agency offered only the following brief comment: "This brutal incident has shocked the scientifically and materially highly developed American society. It outstandingly reflects the spiritual oppression, emptiness and frustration of people under a capitalist system."

A Lebanese newsman looked at the grisly pictures from the People's Temple at Jonestown and said: "We've been committing mass suicide for the past four years. So what's new?"

ARTICLE APPEARED
ON PAGE B-2NEW YORK TIMES
30 NOVEMBER 1978

'National Security' Held No Basis for Mail Checks

By ALFONSO A. NARVAEZ

Special to The New York Times

NEWARK, Nov. 29 — A Federal judge ruled today that it was unconstitutional for investigative agencies to have citizens' mail scrutinized in the name of "national security."

"National Security is too ambiguous and broad a term," Judge Lawrence A. Whipple wrote in an 18-page decision in Federal District Court here. "The memory of the lawlessness that masqueraded as 'national security' searches is too close to the memory of this court."

The judge ruled that the Federal Bureau of Investigation and other Government agencies could not have postal inspectors record the names and addresses of persons writing to organizations or individuals considered to be subversive or national-security risks.

The judge said that his ruling "in no way affects mail covers based on criminal or fugitive investigations."

Ruling Stems From Suit

The ruling came in a suit against the F.B.I. brought by Lori Paton, now 21 years old and living in Arlington, Va., who mistakenly sent a letter to the Socialist Workers Party as part of a social studies project at her high school in Mendham, N.J. The letter was intercepted, F.B.I. agents visited the school and asked questions about Miss Paton, then 15 years old, and a file on her was started. The file was destroyed when she sued.

"Invalidating a regulation on its face is strong medicine," Judge Whipple wrote. "Nevertheless, it is the only cure. National security, as a basis for the mail cover, is unconstitutionally vague and qualification or explanation of what is meant by national security, an investigation can be initiated on the assertions of an overzealous public official who disagrees with the unorthodox, yet constitutionally protected political views of a group or person. It allows officials to pursue their predilections."

Comment Withheld

A spokesman for the Department of Justice said that the agency would have to study the ruling before its impact could be assessed.

However, Robert J. Havel, deputy director of public information for the department, said that mail covers — in which records are kept of information on the outside of envelopes — were currently being used only in domestic security cases, mainly involving terrorist groups.

"We don't carry out so-called national-security investigations any more," Mr. Havel said.

He said that the department had instituted strict guidelines for use of mail covers by the F.B.I. and other agencies requesting them through the department

and that mail covers could not be used for preliminary or limited investigations.

"Only in full domestic-security investigations can the mail cover be used and then only when it has been approved by the Attorney General or his designee," Mr. Havel added.

The Post Office officials said that between October 1977 and March 1978 it had 47 national-security mail covers out of a total of 1,813 covers.

In his ruling, Judge Whipple said that "while it is commendable that the F.B.I. has altered and considerably tightened their guidelines for mail covers, that investigative technique is still open to many other agencies who may not have restricted their mail-cover requests. As a result, a narrow construction of the regulation is an inadequate remedy."

Today's action by Judge Whipple comes on the heels of another setback to similar Government investigations. Earlier this month, a Federal Appeals Court in New York affirmed a decision requiring the government to pay \$1,000 each to three persons whose mail had been opened by the Central Intelligence Agency.

That ruling could lead to the payment of many millions of dollars in damages, according to lawyers for the America Civil Liberties Union, which was also participated in the Newark case.

Frank Askin, a law professor at Rutgers University School of Law and general counsel for the A.C.L.U., said that this was the first time that a Federal judge had ruled that the less intrusive mail covers violate the First Amendment. He said that unless the Federal Government appealed the case the decision would affect mail covers nationwide.



United Press International

Lori Paton in 1973 when she was a high school student.

25X1

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

Approved For Release 2005/04/13 : CIA-RDP80B01554R003200180021-9

THE WASHINGTON POST
30 November 1978

Article appeared
on page A-13

FBI Scrutiny of Mail Found Unconstitutional By U.S. District Judge

NEWARK, N.J., Nov. 29 (AP)—A federal judge ruled today that it is unconstitutional for postal inspectors to scrutinize mail for the general purpose of "protecting the national security."

U.S. District Court Judge Lawrence A. Whipple said that his ruling would not affect so-called mail covers in criminal or fugitive investigations, but that "national security as a basis for the mail cover is unconstitutionally vague and overbroad."

Inspecting mail covers is a practice in which postal inspectors note any return address or other information appearing on the outside of mail addressed to certain organizations or individuals.

The judge ruled in the case of Lori Paton, of Mendham, N.J. who sued the FBI in 1973 after she learned she was investigated for a letter she erroneously sent to the Socialist Workers Party. Paton said she meant to obtain information from the Socialist Labor Party for a high school project.

As a result of her letter, the FBI began a file on Paton with a classification that indicated "subversive matter," court records showed.

"If the mail cover of the SWP had been based on a good faith criminal investigation, it most certainly would be valid," Whipple said.

The Socialist Workers Party mail cover was started by acting FBI director L. Patrick Gray III because the group "has put forth a continuing propaganda program against the American form of government," Whipple said.

Although Whipple ruled that mail scrutiny was unconstitutional, he reserved a decision on whether Paton's individual rights were violated.

PROVIDENCE JOURNAL-BULLETIN (R.I.)
November 1978

